

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

LARRIE HOPE  
Plaintiff(s),  
V.  
Richard Allen, ET AL.  
Defendant(s).

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2008 APR 18 A 9:49  
DEBRA P. HACKETT  
U.S. DISTRICT COURT  
MIDDLE DISTRICT AL  
CASE NO: 2:07-CV-210-MHT

MOTION FOR JURY TRIAL

COME NOW LARRIE HOPE, PLAINTIFF, FILES THIS MOTION IN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 38(b) AND REQUEST THIS HONORABLE COURT FOR A JURY TRIAL IN THE ABOVE STYLED CASE. IN SUPPORT OF THIS MOTION, PLAINTIFF STATES:

(A.) PLAINTIFF STATES THAT ON OCTOBER 10, 2007 PLAINTIFF PROVIDED THIS HONORABLE COURT WITH A RESPONSE TO THE DEFENDANTS ANSWER AND SPECIAL REPORT.

(B.) PLAINTIFF ALSO STATES THAT, PLAINTIFF PROVIDED THE COURT WITH FACTS AND EVIDENCE OF RECORDS IN SUPPORT TO EACH ELEMENT OF HIS CLAIMS.

(C.) PLAINTIFF FURTHER STATES THAT THE DEFENDANTS HAVE FAILED TO MEET ITS INITIAL BURDEN TO ESTABLISH A PRIMA FACIE ENTITLEMENT

TO SUMMARY JUDGMENT BY SHOWING THE ABSENCE OF GENUINE ISSUES.

(D) PLAINTIFF FURTHER STATES THAT THE EIGHTH AMENDMENT PROHIBITS THE INFILCTION OF CRUEL AND UNUSUAL PUNISHMENT DISPLAYED BY THE DEFENDANTS IN THE INSTANT CASE AS THE FORCE USED WAS MALICIOUS AND SADISTICALLY INFILCTED FOR THE VERY PURPOSE OF CAUSING HARM TO THE PLAINTIFF.

THEREFORE, BASE ON THE FACTS AND EVIDENCE OF RECORDS PLAINTIFF RESPECTFULLY REQUEST THIS HONORABLE COURT TO GRANT THIS MOTION FOR A JURY TRIAL.

DONE ON THIS 14 DAY OF APRIL 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 14 DAY OF APRIL 2008, SERVED A COPY OF THE FOREGOING ON COUNSEL FOR DEFENDANTS, BY PLACING A COPY OF THE SAME IN THE PRISON INTERNAL MAILING SYSTEM FOR MAILING POSTAGE PREPAID AND PROPERLY ADDRESSED AS FOLLOWS:

ELLEN LENARD  
ASSISTANT ATTORNEY GENERAL  
11 SOUTH UNION STREET  
MONTGOMERY ALABAMA 36130

RESPECTFULLY SUBMITTED  
LARRIE HOPE  
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